

## 55.1 Default Judgment.

- (a) **Clerk's Entry of Default.** To obtain a clerk's entry of default under Federal Rule of Civil Procedure 55(a), a party must:
- (1) file a motion for the clerk's entry of default; and
  - (2) e-mail a proposed clerk's entry of default to the clerk at [clerk@ned.uscourts.gov](mailto:clerk@ned.uscourts.gov). This clerk's entry of default should state that a default is being entered for failure to plead or otherwise defend under Federal Rule of Civil Procedure 55(a).
- (b) **Clerk's Entry of Default Judgment.** If a party requests the clerk to enter a default judgment under Federal Rule of Civil Procedure 55(b)(1), the party must:
- (1) file a motion for clerk's judgment by default;
  - (2) file an affidavit (a) stating the amount, for a sum certain or that can by computation be made certain, and that does not exceed the amount asked for in the complaint plus the exact computation of interest and costs, and (b) stating that the defendant against whom judgment is to be entered is not an infant or incompetent person as stated in Federal Rule of Civil Procedure 55(b)(1); and
  - (3) e-mail a proposed clerk's judgment for the clerk's signature to [clerk@ned.uscourts.gov](mailto:clerk@ned.uscourts.gov).
- (c) **Court's Entry of Default Judgment.** If a party requests a judgment from the court under Federal Rule of Civil Procedure 55(b)(2), the party must, after obtaining a clerk's entry of default under Federal Rule of Civil Procedure 55(a) and Nebraska Civil Rule 55.1(a):
- (1) file an affidavit stating that the party against whom the default judgment is requested is (a) not an infant or incompetent person as stated in Federal Rule of Civil Procedure Rule 55(b)(2) or (b) meets the exceptions stated in Federal Rule 55(b)(2);
  - (2) e-mail to the judge's chambers a proposed judgment; and
  - (3) in cases in which damages must be proved, request an evidentiary hearing before the trial judge.